



Entered on Docket
March 08, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

THE LAW OFFICES OF RANDOLPH H. GOLDBERG
RANDOLPH H. GOLDBERG, ESQ.
BAR NO. 5970
4000 S. Eastern Avenue, Suite 200
Las Vegas, NV 89119
(702) 735-1500
Fax: (702) 735-0505
Attorney for Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

ANDREW PORTER

Debtor(s).

Chapter 13 Proceedings
Case No.: BK-S-09-31975-LBR
Trustee: Kathleen Leavitt

Date: 2/11/2010
Time: 2:30 p.m.

ORDER AVOIDING SECOND TRUST DEED

THIS MATTER having come before the Court for a hearing on **FEBRUARY 11, 2010**,
on Debtor's **MOTION TO VALUE COLLATERAL, "STRIP OFF" AND MODIFY**
RIGHTS OF WELLS FARGO FINANCIAL PURSUANT TO 11 U.S.C. §506(a) AND
§1322, and based upon the papers and pleadings on file herein, and good cause appearing; the
Court finds as follows:

1. The Debtor's real property located at **713 BRITTANY FALLS CT, N LAS**

1 **VEGAS, NV 89031** (the "Subject Property") is valued at **\$120,000.00** as of the
2 date of filing Debtor's Chapter 13 Petition.

3
4 2. The Subject Property is collateral for **WELLS FARGO HOME MTG 1st**
5 **LIENHOLDER'S** senior secured claim (**ACCOUNT #0358**) (**PROOF OF**
6 **CLAIM NUMBER N/A**) for the amount of **\$143,000.00**.

7
8 3. On the filing date of the instant Chapter 13 Petition, **WELLS FARGO**
9 **FINANCIAL 2nd LIENHOLDER'S** claim (**ACCOUNT #8039**) (**PROOF OF**
10 **CLAIM NUMBER N/A**) was wholly unsecured.

11 **IT IS THEREFORE ORDERED THAT WELLS FARGO FINANCIAL 2ND**
12 **LIENHOLDER'S** secured claim is "stripped off" and avoided pursuant to 11 U.S.C. §506(a);

13 **IT IS FURTHER ORDERED THAT WELLS FARGO FINANCIAL 2ND**
14 **LIENHOLDER'S** secured rights and lien holder rights in the Subject Property are hereby
15 terminated and **WELLS FARGO FINANCIAL 2ND LIENHOLDER** shall be paid as a general
16 unsecured creditor through the Debtor's Chapter 13 plan;

17
18
19 **IT IS FURTHER ORDERED THAT** in the event the instant Chapter 13 matter is
20 converted to a Chapter 7 case, **this order will be void and without effect.**

21 **IT IS FURTHER ORDERED THAT** in the event the instant Chapter 13 matter is
22 dismissed for any reason, **WELLS FARGO FINANCIAL 2ND LIENHOLDER'S** claim shall be
23 reinstated to its status as a secured claim on the Subject Property pursuant to 11 U.S.C. §349(b).

24 **IT IS SO ORDERED.**

25
26 DATED this **10TH** day of **FEBRUARY, 2010**

27
28 THE LAW OFFICES OF

1 RANDOLPH H. GOLDBERG

2 By /S/ RANDOLPH GOLDBERG ESQ.

3 RANDOLPH H. GOLDBERG, ESQ.

4 4000 S. Eastern

5 Suite 200

6 Las Vegas, Nevada 89119

7 Attorney for Debtor

8 APPROVED AS TO FORM AND CONTENT

9
10 CHAPTER 13 TRUSTEE

11
12 
KATHLEEN LEAVITT, TRUSTEE

13 302 East Carson Ave., Suite 300

14 Las Vegas, NV 89101

1 **ALTERNATIVE METHOD re: RULE 9021:**

2 In accordance with Local Rule 9021, the undersigned
3 certifies:

4
5 The court waived the requirements of LR 9021.

6 ✓ I have delivered a copy of this proposed order to all
7 attorneys and unrepresented parties who
8 appeared at the hearing regarding this matter
and/or who filed a written Objection and each
has:

9 ✓ approved the form of this order:
10 waived the right to review the order
11 and/or failed to file and serve papers
in accordance with LR 9021^o.

12 I have delivered a copy of this proposed order to all
13 Attorneys and unrepresented parties who appeared at the
14 hearing regarding this matter and/or who filed a written
15 objection and all have either approved the form of this
16 order, waived the right to view the order, failed to file
and serve papers in accordance with LR 9021^o and the
following have disapproved the form of the order:

17 No opposition was filed to the motion and no
18 other party or counsel appeared at the hearing.

19 I declare under penalty of perjury under the laws
20 of The State of Nevada the foregoing is true and correct.

21
22 /s/Maile C. Hansen/s/
23 An Employee of
24 THE LAW OFFICE OF
RANDOLPH H. GOLDBERG

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